

**UNITED STATES DISTRICT COURT
District of Maine**

BREND A SMITH,)	
)	Docket No. 1:18-cv-00352-NT
Plaintiff)	
)	
v.)	
)	
AROOSTOOK COUNTY and SHAWN D.)	
GILLEN,)	
Defendants)	
)	

**DEFENDANTS' RESPONSE TO PARTIAL CONSENT MOTION TO AMEND
SCHEDULING ORDER**

NOW COMES Defendant, through counsel, and hereby responds to Plaintiff's Partial Consent Motion to Amend Scheduling Order (ECF No. 26) as follows.

As indicated in Plaintiff's Partial Consent Motion to Amend Scheduling Order, the parties agreed on and consented to certain modifications to the scheduling order (as previously amended) and joined in a request to reschedule the pre-trial conference. Also as indicated in Plaintiff's Partial Consent Motion, the Plaintiff requested leave to serve double the amount of requests for admissions permitted by the Scheduling Order and informed the Court that the Defendants objected to that portion of her motion.

By order dated December 21, 2018 (ECF No. 27), the Court granted the motion without the Defendants being afforded the opportunity to file its opposition to so much of Plaintiff's motion as they objected to. Because the Court's order has mooted Defendants' planned opposition, the Defendants are not filing the opposition. To do so would represent an unnecessary use of the Defendants' resources and would not serve any beneficial purpose. The Defendants are filing this

response to make a record of the fact that they were not afforded the opportunity to object to Plaintiff's motion and to avoid any deemed waiver of the right to object to the motion and the relief sought by Plaintiff.

Dated: January 8, 2019

/s/ Peter T. Marchesi

Peter T. Marchesi, Esq.
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Waterville, ME 04901

UNITED STATES DISTRICT COURT
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BRENDA SMITH,

Plaintiff

V.

AROOSTOOK COUNTY and SHAWN D.

GILLEN,

Defendants

Docket No. 1:18-cv-00352-NT

CERTIFICATE OF SERVICE

I, Peter T. Marchesi, hereby certify that:

- Defendants' Response to Partial Consent Motion to Amend Scheduling Order

has been served this day on Plaintiff by filing with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to the following:

Peter Mancuso, Esq.
Emma Bond, Esq.
Zachary Heiden, Esq.
James Monteleone, Esq.
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Dated: January 8, 2019

/s/ Peter T. Marchesi

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